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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

O.D.D. INVESTMENT, L.P., D.D.O., INC.,  
DANIEL N. SILNA, OZZIE SILNA, DONALD  
SCHUPAK, THE ROBIN SILNA 1997 TRUST,  
ROBIN SILNA, THE JEFFREY SILNA 1997

Adv. Pro. No. 10-05372 (SMB)

TRUST, JEFFREY SILNA, THE SILNA FAMILY  
INTER VIVOS TRUST, SPENCER SILNA,  
SAMANTHA SILNA, and SOPHIE SILNA,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF DEFENDANT DONALD SCHUPAK FROM ADVERSARY PROCEEDING  
WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna, by and through their counsel, Wachtel Missry (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 9, 2010, the Trustee filed the complaint against O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna. The complaint was served on March 14, 2011.
2. On September 17, 2015, O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna served an answer on the Trustee.
3. On January 29, 2016, the Parties entered into a settlement agreement pursuant to

the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against defendant Donald Schupak in the above-captioned adversary proceeding.

5. The provisions of this stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

Dated: March 14, 2016

**BAKER & HOSTETLER LLP**

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the Estate of Bernard L. Madoff*

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Schupak, the Robin Silna 1997 Trust, Robin Silna,  
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Family Inter Vivos Trust, Spencer Silna, Samantha  
Silna, and Sophie Silna*

**SO ORDERED**

**Dated: March 14<sup>th</sup>, 2016**  
**New York, New York**

**/s/ STUART M. BERNSTEIN**  
**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**